

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,

Plaintiffs,

Case No.: 2:14-cv-885-JCM-GWF

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SAMUEL R. BAILEY, et al.,

Defendants.

**STIPULATION AND ORDER  
TO EXTEND DEADLINE TO  
FILE PRETRIAL ORDER  
(NINTH DISCOVERY  
DEADLINE REQUEST)**

17 SAMUEL R. BAILEY,

### Counterclaimants,

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BANK OF AMERICA  
TITLE INSURANCE  
Corporation, and NEVA  
a Nevada Corporation,

### Counterdefendants.

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**STIPULATION AND ORDER TO EXTEND DEADLINE TO FILE PRETRIAL ORDER  
(NINTH DISCOVERY DEADLINE REQUEST)**

Defendant Samuel R. Bailey (“Defendant”) by and through the law firm of Schwartz Flansburg PLLC and Plaintiff Bank of America, N.A. (“Plaintiff”) by and through the law firm of Holley Driggs Walch Fine Wray Puzey & Thompson (Defendant and Plaintiff collectively “Parties”) hereby stipulate and agree to extend the deadline to file the Pretrial Order which is currently due on October 21, 2017 as follows:

Based on the following, the Parties hereto respectfully request an extension to file the Pretrial Order to be continued for 30 days, as follows:

1. The Parties stipulated to new deadlines on August 5, 2016 (ECF No. 64).

2. Thereafter, the Parties attended a Mediation at which some of the claims were resolved.

3. Between Plaintiff/Counterdefendant BANA and Defendant/Counterclaimant Bailey, the case was not resolved.

4. Following the Mediation, Defendant/Counterclaimant Bailey took the deposition of the 30(b)(6) designee for Plaintiff/Counterdefendant BANA. The date for the 30(b)(6) deposition had been set prior to Mediation and was set forth and contemplated in the August 5, 2016 discovery stipulation (EFC No. 64).

5. Plaintiff/Counterdefendant BANA filed a Motion for Summary Judgment on October 14, 2016 (ECF No. 68).

6. Defendant/Counterclaimant Bailey filed a Motion for Summary Judgment on October 31, 2016 (ECF No. 70).

7. On June 22, 2017, the Court granted in part and denied in part Plaintiff/Counterdefendant BANA's Motion for Summary Judgment (ECF No. 76).

8. On June 22, 2017, the Court denied Defendant/Counterclaimant Bailey's Motion for Summary Judgment (ECF No. 76).

9. On July 19, 2017, BANA filed a Motion to Bifurcate Trial (ECF No. 77).

10. On August 2, 2017 Bailey filed a Response to Motion to Bifurcate Trial (ECF No.

1 80).

2 11. On August 18, 2017, BANA filed a Reply to its Motion to Bifurcate Trial (ECF  
3 No. 84).

4 12. On August 18, 2017, the Court granted a Stipulation to Extend Time to Reply to  
5 Motion to Bifurcate (ECF No. 85).

6 13. On September 21, 2017, the Court denied the Motion to Bifurcate Trial (ECF No.  
7 88).

8 14. The parties desire a final opportunity to discuss settlement and potentially  
9 schedule a mediation.

10 **LR26-4 Statement:**

11 Good cause and/or excusable neglect exist to extend Pretrial Order deadline for the  
12 express purpose of exploring a renewed mediation and settlement negotiations between the  
13 Parties.

14 The current deadline to file the Pretrial Order is October 21, 2017 and the Parties request  
15 that the deadline to file the Pretrial Order be continued for 30 days.

16 IT IS SO STIPULATED.

17 Dated this 17<sup>th</sup> day of October, 2017

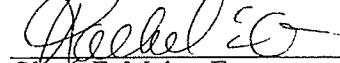
18 SCHWARTZ FLANSBURG PLLC



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Samuel R. Bailey

Dated this 17<sup>th</sup> day of October, 2017

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28 Bank of America, N.A.

## ORDER

Based upon the foregoing, it is hereby ordered as follows that the time to file the Pretrial Order be extended from the current deadline of October 21, 2017 to November 20, 2017.

Dated this 23rd day of October, 2017.

*George Foley Jr.*  
U.S. MAGISTRATE JUDGE

Submitted By:

SCHWARTZ FLANSBURG PLLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of October, 2017, I served a copy of the foregoing **STIPULATION AND ORDER TO EXTEND DEADLINE TO FILE PRETRIAL ORDER (NINTH DISCOVERY DEADLINE REQUEST)** upon each of the parties via electronic service through the United States District Court for the District of Nevada's ECF system.

  
An employee of Schwartz Flansburg PLLC